

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

SUSAN DOW,

Plaintiff,

vs.

SAFECO INSURANCE COMPANY
OF AMERICA, A LIBERTY
MUTUAL COMPANY; LIBERTY
MUTUAL INSURANCE COMPANY;
and LIBERTY MUTUAL FIRE
INSURANCE COMPANY,

Defendants.

CV 20-31-BLG-SPW

ORDER

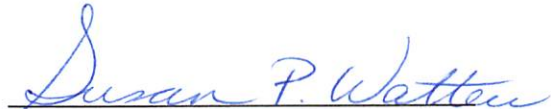
This matter comes before the Court following the Court's May 19, 2023, Order granting Defendant Safeco Insurance Company of America's Motion for Summary Judgment. (Doc. 72). The Court only entered summary judgment as to Plaintiff Susan Dow as the class representative, not as to the class as a whole. (*Id.* at 7). The Court further ordered Class Counsel to identify a new class Representative within 60 days of the Order. (*Id.*).

On July 18, 2023, Class Counsel notified the Court that it had been unable to identify a new class representative. (Doc. 73). Class Counsel also stated its intention to appeal the Court's summary judgment order once final judgment is entered. (*Id.*). Safeco responded the same day, arguing that because the class

lacked a class representative, the Court should vacate its order certifying the class and dismiss Dow's claims. (Doc. 75 at 2-3).

Accordingly, IT IS SO ORDERED that the Court's Order Granting Plaintiff Susan Dow's Motion to Certify Class (Doc. 44) is VACATED. IT IS FURTHER ORDERED that judgment be entered against Dow and the matter be closed.

DATED the 6th day of September, 2023.


SUSAN P. WATTERS
United States District Judge